

MARYLAND DEPARTMENT OF JUVENILE SERVICES



POLICY

SUBJECT: Program/Contract Monitoring Policy
NUMBER: MGMT-1-05 (Management)
APPLICABLE TO: Office of Professional Responsibility and Accountability (OPRA) - Audit and Compliance Unit
EFFECTIVE DATE: September 12, 2005

Approved: "/s/ signature on original copy"
Kenneth C. Montague, Jr., Secretary

1. **POLICY.** The Office of Professional Responsibility and Accountability (OPRA), Audit and Compliance Unit shall monitor the quality and sufficiency of services that are provided to Department of Juvenile Services (DJS) youth. DJS shall monitor and require programs to operate in compliance with applicable federal and State statutes and regulations, contract deliverables, and applicable DJS Policies and Procedures.
2. **AUTHORITY.**
 - a. Article, 83C, §2-104, 2-122 and 2-123, Annotated Code of Maryland.
 - b. COMAR 14.04.06 - 08, Licensing and Monitoring Regulations for Residential Childcare Programs.
 - c. COMAR 14.31.05, Licensing and Monitoring of Residential Child Care Programs.
 - d. COMAR 14.31.06, Standards for Residential Child Care Programs.
 - e. COMAR 14.31.07, Specialized Licensing Standards.
 - f. COMAR 16.02.02, Audits of Grants and Contracts.
 - g. COMAR 16.04.01, Youth Services Bureaus.
 - h. COMAR 16.04.05, Non-Residential Program.
3. **DEFINITIONS.**
 - a. *Corrective Action Plan* means a program's detailed remedy to correct deficiencies in the program's compliance with state licensing regulations and other legal requirements identified by the licensing agency or other state or federal agency within the prescribed period of time.
 - b. *Deficiency* means an observation or result that indicates a program is non-compliant with statutory law, a regulation, a contractual agreement, or DJS Policy and Procedures.
 - c. *Licensing Administrator/Compliance Supervisor* means an individual who manages the Department's Program Monitoring and licensing activities outlined within this document.
 - d. *Monitoring* means the evaluation of a program's compliance with governing law or policy.

- e. *Program Monitor* means an individual who is assigned to carry out the duties, responsibilities and activities related to on-going monitoring.
- f. *Program Monitoring* means the process that a Program Monitor implements to observe, collect data, perform analysis and report on a program's overall performance and services delivered to DJS youth.
- g. *Specialty Monitor* means an individual that the Licensing Administrator/Compliance Supervisor requests from another DJS unit to serve on a monitoring or licensing team to conduct Program Monitoring activities in a specialty area (e.g., Education, Dietary, Health, etc.).
- h. *Sub cabinet* means departments comprised of the Department of Mental Health and Hygiene, the Department of Juvenile Services, the Department of Human Resources and the Maryland State Department of Education.

4. **ACTION REQUIRED.**

a. **Duties and Responsibilities:**

(1) **Duties of the Licensing Administrator/Compliance Supervisor.**

- (i) Assign and supervise Program Monitors;
- (ii) Assign at least 1 full-time Program Monitor to each program that has a contract or licensed by DJS;
- (iii) Require Program Monitors to review the Investigation and Child Advocacy Unit (ICAU) Database for Incident Reports on each monitored program;
- (iv) Assign and require Program Monitors to conduct a license audit at each licensed program in accordance with COMAR;
- (v) Request the assistance of DJS Specialists from Education, Somatic Health, Dietary, Substance Abuse, Mental Health, General Services and other disciplines who shall complete their specific audit responsibilities during each license review;
- (vi) Require Program Monitors to follow the ***Monitoring Process Overview Standard Operating Procedures (Appendix 1)*** to monitor programs that provide a service to DJS youth;
- (vii) Require Program Monitors to evaluate annually the operations of each Youth Services Bureau in accordance with the Annotated Code of Maryland, Article, 83C, §2-122;
- (viii) Submit a monthly licensing and certification status report to the Director of Audit and Compliance;
- (ix) Once a year, conduct monitoring of out of state programs where DJS youth are placed and ask Program Monitors and Specialty Monitors as required to complete the task;
- (x) Serve as the DJS representative for the Resource Development Licensing Committee, a committee of the sub-cabinet, to assist in developing State licensing and monitoring regulations, policies and procedures based on best practices;
- (xi) Attend DJS Sunset meetings;
- (xii) Submit reports as requested to the Director of Audit and

- Compliance; and
- (xiii) Maintain a spreadsheet to document monitoring of daily statistics and data.

(2) Duties of Program Monitors.

- (i) Monitor delivery of services including, but not limited to the following:
 - (a) Adequacy of clothing, linens, and hygiene products for youth;
 - (b) Adherence to the DJS Youth Grievance Procedure;
 - (c) Compensation, incentives and liquidated damages issues;
 - (d) General disciplinary policies;
 - (e) Health, life and safety issues;
 - (f) Individual Service Plan (ISP) development and compliance;
 - (g) Level of cooperation from program contracts with DJS monitoring requirements;
 - (h) Personnel file reviews;
 - (i) Physical plant and equipment sanitation, and hygiene requirements as required by the Annotated Code and COMAR;
 - (j) Program performance outcomes;
 - (k) Program staffing requirements and levels;
 - (l) Programs & services observations;
 - (m) Provision of education services;
 - (n) Record keeping and reporting requirements;
 - (o) Required incident reporting as defined in DJS Policy and Procedure;
 - (p) Review criminal background and Child Protective Services (CPS) documentation;
 - (q) Review emergency preparedness plans;
 - (r) Review to see if somatic, mental health, substance abuse and dental services are being provided;
 - (s) Security inspections;
 - (t) Submission of discharge information and other reports required by DJS;
 - (u) Timeliness of responding to referrals;
 - (v) Training and staff development requirements;
 - (w) Youth case file reviews; and
 - (x) Youth/family/staff/management interviews.
- (ii) Arrive at the program site during announced site visits within the specified time.
- (iii) Present official State of Maryland identification upon arrival.
- (iv) Maintain a professional, courteous demeanor with program personnel at all times.
- (v) Conduct an entrance conference with management personnel to clearly explain the purpose, objectives, and specific agenda for

- each visit.
- (vi) Communicate immediately to the Licensing Administrator/Compliance Supervisor or the next level of management if a program refuses admittance.
- (vii) Review program documents and maintain copies of supporting documentation used to substantiate a finding.
- (viii) Conduct an exit conference limited to factual feedback with program management at the conclusion of each site visit.
- (ix) Provide the Program Manager with a copy of the written findings.
- (x) Route all correspondence and reports related to licensing/certification/monitoring through the Licensing Administrator to the Director of the Audit and Compliance Unit for review and/or signature.
- (xi) Submit a monthly monitoring report to the Licensing Administrator/Compliance Supervisor.
- (xii) Follow the **Monitoring Process Overview Standard Operating Procedures** to monitor programs contracted or licensed by DJS.
- (xiii) Create an initial monitoring plan for each assigned program no later than 30 days after receiving an assignment and submit it to the Licensing Administrator/Compliance Supervisor.
- (xiv) Include in the monitoring plan the name of the program and contact information, frequency of visits, development of contract deliverables, announced or unannounced site visits, and specialized audit visits required/recommended, if applicable.
- (xv) Conduct announced and unannounced site visits.
- (xvi) Conduct site visits so as to observe each shift of a program's operation so that monitoring takes place during weekdays, and night and weekend hours as required by the Director of Audit and Compliance.
- (xvii) Perform quarterly reviews of each monitoring plan and make revisions as necessary to provide comprehensive monitoring of each assigned program.
- (xviii) For each program develop a Contract Deliverable Tool to monitor contracts.
- (xix) Utilize standardized COMAR instruments to document the completion of each program activity.
- (xx) Utilize the Maryland Standards for Juvenile Detention Facilities to document the completion of each program activity in State owned and State operated detention facilities.
- (xxi) Utilize DJS Policies and Procedures to monitor programs.

b. Frequency of Monitoring. DJS Program Monitors shall monitor facilities at least as frequently as listed below:

- (1) **Semi-Monthly** each DJS detention facility.
- (2) **Quarterly:**

- (i) DJS licensed facilities;
- (ii) Each State owned and State operated facility;
- (iii) Each in-state Residential Treatment Center; and
- (iv) The William Donald Schaefer House.

(3) Bi-Annually:

- (i) Non-residential programs; and
- (ii) Non DJS licensed contractual programs.

(4) Annually evaluate the effectiveness of each Youth Services Bureau in accordance with the Annotated Code of Maryland, Article, 83C, §2-122.

c. Monitoring and Licensing Teams.

- (1)** The Licensing Administrator/Compliance Supervisor may designate a team leader to coordinate the completion of each monitoring or licensing activity.
- (2)** The Licensing Administrator/Compliance Supervisor or the Team Leader may request an individual from another DJS unit to serve on a monitoring/licensing team to complete a monitoring/licensing activity involving a “specialty area” (e.g., Education, Dietary, Health, etc.).

d. Specialty Monitoring and Licensing.

- (1)** The Licensing Administrator/Compliance Supervisor may request the assistance of a Specialty Monitor from Education, Somatic Health, Dietary, Substance Abuse, Mental Health, General Services, Audit and Compliance (Internal Auditors) or other disciplines to complete their specific audit responsibilities during each monitoring or licensing.
- (2)** The Specialty Monitors shall address their areas of expertise according to COMAR regulations and best practices.

e. Corrective Action Reporting.

- (1)** Findings and observations reported by the Program Monitor which require corrective actions should be indicated at the exit conference and included in the Monitoring Site Visit Report.
- (2)** The Program Monitor shall request the program to develop a corrective action plan and provide a deadline if there are deficiencies in the report.
- (3)** A Monitoring Site Visit Form must be completed for each visit which is submitted to the Licensing Administrator/Compliance Supervisor for review and signature.

- (4) The Program Monitor shall give a copy of the Monitoring Site Visit Form to the provider.
- (5) The Licensing Administrator/Compliance Supervisor shall enter the data from the Monitoring Site Visit Form into the monitoring statistics spreadsheet within 14 days of receiving it.
- (6) The Director of Audit and Compliance shall review and initial the Monitoring Site Visit Form to indicate supervisory review.
- (7) The Licensing Administrator/Compliance Supervisor shall forward a copy of the Monitoring Site Visit Form to DJS management.
- (8) When the corrective action plan is received from the provider the Program Monitor shall review the corrective action plan for compliance.
- (9) The Program Monitor will conduct a follow-up visit to verify compliance if necessary.
- (10) If the provider fails to complete the corrective action plan as requested within the time prescribed, then the Licensing Administrator/Compliance Supervisor shall report this to the Director of the Audit and Compliance Unit for resolution.
- (11) The Department may place a sanction (ie. moratorium of placements) on the provider until the deficiency has been corrected as authorized under COMAR.

5. DIRECTIVES/POLICIES AFFECTED.

- a. Directives/Policies Rescinded - **MGMT-1-03, Program Contract Monitoring Policy.**
- b. Directives/Policies Referenced - **(None)**

6. FAILURE TO COMPLY.

Failure to obey a Secretary's Policy and Procedure shall be grounds for disciplinary action up to and including termination of employment.

Appendices – 1

1. Monitoring Process Overview Standard Operating Procedures

MONITORING PROCESS OVERVIEW

Standard Operating Procedures

The Department of Juvenile Services (DJS) Audit and Compliance Unit will monitor all contracts, Memorandum of Understanding (MOU), or purchase orders that have a term of 1 year or more and are \$25,000 or more. Contracts, MOUs, or purchase orders less than 1 year and under \$25,000 will be monitored upon special circumstances or request by the DJS Assistant Secretary or Secretary. The Unit may not choose to monitor a contract or purchase order that is for less than 1 year's duration and/or under \$25,000, unless there is a special circumstance or a request by the DJS Assistant Secretary for the Office of Professional Responsibility and Accountability (OPRA). There will be a minimum of 1 site visit per year, per contract/purchase order. *See the Monitoring Policy for more specific detail on monitoring visits.

- I. The Program Monitors of the Audit and Compliance Unit obtain copies of the contracts from DJS Procurement after the DJS Licensing Administrator has assigned the contract to a Program Monitor. The Program Monitor prepares a file and develops the contract's deliverables. The Program Monitor also prepares a Program Fact Sheet and files it in the program monitoring file for that program.
- II. The Program Monitor develops a monitoring plan, documents the site visits on the plan, and contacts the vendor introducing themselves as the newly assigned Program Monitor. The Program Monitor conducts the site visit, completes the scheduled activity tools, including observations, and prepares the appropriate reports. Activities are designed to measure and ensure compliance with the contract or MOU, along with the regulations. Activities include but are not limited to: observations, interviews, incident reporting, contract deliverables, COMAR compliance, corrective action follow-up, student and staff interviews, file reviews, physical plant checks, technical assistance, and incident report follow-up. These site visits can be announced or unannounced.
- III. A Monitoring Site Visit Form must be completed for each visit with the findings, recommendations, and corrective action deadline dates as appropriate. A copy of the form signed by the Program Monitor and the Program Manager (if available) and a copy placed in the monitoring file. A typed copy of the Monitoring Site Visit Form is submitted to the Licensing Administrator/Compliance Supervisor for review and sign off. When the vendor is non-compliant, the Program Monitor requests that the vendor submit a corrective action plan. The Program Monitor reviews the vendor's submission of the corrective action plan and conducts a timely follow-up site visit for contract compliance. Contract deliverables are reviewed for compliance during regular monitoring visits using a Contract Deliverables Tool developed by the Program Monitor for each contract.
- IV. The Program Monitors are required to prepare monthly reports, due on the 4th day of each month, for the Licensing Administrator which provides a summary of monitoring activities. All correspondence, with the exception of on-site non-compliance monitoring forms, is to be submitted to the Licensing Administrator/designee for review of content. (This includes in-house correspondence.)
- V. All correspondence must first be reviewed by the Audit and Compliance Unit Office

Professional/designee for grammar, punctuation, spelling, and format. All memos related to licensing/certification/monitoring must be routed through the Licensing Administrator to the Director of the Audit and Compliance Unit for review and/or signature. All letters, memos, reports, licensing, and certification documents must be typed.

- VI. The Program Monitor prepares a report for the Licensing Administrator/Compliance Supervisor in preparation for the programs' "Sunset" meeting with the Grants and DJS Program Development Unit to provide input as to the program's operations during the contract review period. The "Sunset" meeting is the closing of the contract period. The Program Monitor serves as the point person for all program close-downs, working with the provider(s) and the Department to ensure that all aspects of the process are performed in a timely and compliant manner. The Program Monitor provides technical assistance and serves as troubleshooter.
- VII. The Licensing Administrator serves as a Program Monitor where DJS youth are placed in an out of state program or facility.



MARYLAND DEPARTMENT OF JUVENILE SERVICES EMPLOYEE STATEMENT OF RECEIPT POLICY AND PROCEDURE

SUBJECT: Program/Contract Monitoring Policy
POLICY NUMBER: MGMT-1-05 (Management)
EFFECTIVE DATE: September 12, 2005

I have received one copy (electronic or paper) of the Policy and/or Procedure as titled above. I acknowledge that I have read and understand the document, and agree to comply with it.

SIGNATURE

PRINTED NAME

DATE

(THE ORIGINAL COPY MUST BE RETURNED TO YOUR IMMEDIATE SUPERVISOR FOR FILING WITH PERSONNEL, AS APPROPRIATE.)